1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

Entertaining councillors of another tribe. If the councillors of a strange tribe stop at a village for the night, the local village council has charge of their entertainment. They first provide a house for the guests by expelling some childless man and his wife from their dwelling for the night. They then collect foodstuffs. Bread and all fruits, both fresh and dried, nuts, and vegetables, are assessed from rich men without payment. Meat, sugar, tea, candles, oil, pepper, butter, and poultry are purchased from members of the *bone* willing to sell them. The boys of the council buy the poultry from widows, and eggs as well, if no one brings them voluntarily. Anyone refusing to supply the bread assessed him may be fined ten *soldi* a loaf; but since no one has ever been known to refuse, the fine is purely theoretical. If in buying those articles not given, the members of the council spend more money than they have in the fine treasury, they pay the excess amount themselves, later collecting it in equal portions from all the men of the *bone* who have been married one year or over. They themselves act as cooks for the visiting councillors.

Entering council chamber unbidden. If any member of the *bone* enters the council chamber while the council is deliberating, the intruder is told to remain and is given tea. When at length he departs, a member of the council is immediately sent out to call him back. This time he is reprimanded for having entered unbidden, and is fined between two and three dollars.

Conversing with women. If a man or boy speaks to a married woman belonging to a *bone* other than his own, on the path or in any other public place, except the market, the village council of the village to which the woman belongs summons the offender and fines him five dollars. If the offender repeatedly seeks out the woman, or loiters about places she is known to frequent in order to converse with her, the village council of the offender's own *bone* fines him between fifty and sixty dollars. If the offense takes place in market it is considered more serious, and comes before the council of the great.[1] These rules do not apply to unmarried women, who may be spoken to, in a respectful manner, by anyone.

Quarrels between women. When one woman injures another with a stone, stick, or other implement, the village council collects a fine of from five to six dollars from the husband of the aggressor. The council generally hears of such cases through gossip, since the husband of the injured woman is usually too ashamed to report it.

Entering a cemetery occupied by women. If a man or boy enters a cemetery when the women of the *bone* are convening there on a Friday or holiday, he is fined five dollars.

Entering a saint's tomb occupied by women. If a man or boy enters a saint's tomb in which women are convening, the village council fines him from fifty to a hundred dollars.

Fighting with the hands. If two men fight with their hands, without using any weapon, the village council determines which man started the fight and fines him an amount commensurate with the injury done.

Speaking to an enemy. If a man is caught conversing with a member of a hostile *bone*, at a time when war is either in progress or imminent, the village council of his own *bone* fines him fifty dollars.

In the tribes and territories where there is no village council, the rendering of justice in small affairs which is the work of this body is not performed. For example, one man may cut down another's tree or take his grass without any fine or other official reckoning; he can likewise speak to a woman of another *bone*; but if he does these things he incurs the wrath

[1] See below, p. 102.

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

627 of the men affected, and may thus start a feud which will end in killings, after which it becomes the concern of the councillors to render justice.

In regions where the Arab form of government has supplanted the indigenous type, such affairs are decided by the sheikh.

DUTIES OF THE COUNCIL OF THE GREAT

623 This council, which is the governing body of the *canton*, does not convene as often as the village council, but comes together only in market and when some occasion demands it, its moderator then sending for the members. In *cantons* which have no markets, the council of the great has no regular meetings.

Supporting the village council. If anyone who has been fined by the village council refuses to pay it, that body sends a messenger to the moderator of the council of the great. The moderator sends for the members, who come armed to a place previously agreed upon and proceed in a body to the house of the offender. There they assess upon a him fine several times that originally imposed, amounting usually to between fifty and two hundred dollars, depending on the offense.

623 692 [685] *Theft of livestock.* A man who has stolen sheep, goats, cattle, donkeys, mules, or horses is summoned before the councillors and fined between a hundred and two hundred dollars, besides being forced to restore to his victim the animals stolen, in cash or in kind. The theft of camels does not incur jurisdiction because of the lawless condition of the nomads who own them. Such a theft simply results in a fight.

[683] *Fighting with sticks.* The councillors decide which of the parties is at fault and fine him fifty dollars. If the *bone* of the injured man is a strong one, the councillors force the culprit to bring a goat, bread, tea, and sugar and go with them to the house of the injured man to present him with a feast. Such a feast, provided by visitors to the house, is a strong act of compulsive magic and cannot be disregarded. The recipient of such a favor must grant any request made and cease enmity against the giver. If the *bone* of the injured man is weak, no precaution of this nature is necessary.

[683] *Shooting at a man but missing him.* He who shoots at another without hitting him must pay a fine of one hundred dollars to the councillors.

[689] *Speaking to women in market.* This offense is considered greater than that of speaking to women in any other place. It is settled by the councillors of the *canton* in whose territory the market is held, and is punished by a hundred dollar fine.

Entering a women's market. For a man to enter a market which is restricted to women is an offense as serious as that of speaking to a woman in a common market, if not more so. It is punished by a fine of a hundred dollars, paid to the councillors.

623 692 684 *Adultery which the injured husband does not discover in the act.* If a husband hears that his wife has been unfaithful, but did not actually witness such an event, he is not allowed to kill the suspected man without incurring the penalty for ordinary murder. He has the privilege of bringing the matter before the councillors, who fine the suspect, if they are reasonably sure of his guilt, between a hundred and two hundred dollars. They forcibly divorce the woman from her husband, and forbid her to remarry him or any other man. Women so divorced return to their parents to live. Such a woman often becomes a prostitute, plying her trade with the greatest secrecy possible. If she is caught doing this, the

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

but there are few *bones* without allies. The allies in the tribal council draw apart as inconspicuously and as quickly as possible and start shooting at the rest of the tribal council. The *bone* which has refused sends messengers to talk with various councillors and to persuade them to join their side, promising money and women. In this way there are generally two sides fighting each other before the day is over, and they stay there and fight until one side has won. If the tribal council wins and succeeds in burning the house of the murderer, it burns the rest of the houses of the *bone* as well, and cuts down as many of its trees as it desires.

The *bone* then flees in a body to another *fifth*, to another tribe, or out of the Rif entirely. If the members, thinking already of vengeance, cannot stand the sight of their trees being cut down and their houses being caved in, they select a bull from the herd which they are driving into exile with them and entrust it to the leader of the mosque or to a student, who leads it back into the presence of the tribal council and slaughters it there. If this is done the tribal council is compelled to let them go back again and to permit them to pay the fine. Once the bull is slaughtered the tree-cutting and other destruction must cease. Many *bones* are too proud either to pay or to send a bull, so that they become destitute and homeless through their pride, providing they are not strong enough to defend themselves against the tribal council.

A *bone* may thus be expelled from a tribe, permanently or temporarily. A *bone* which is continually making trouble and causing feuds may be the subject of a special meeting of the tribal council, which decides to exile it from the tribe either permanently or for a given number of years. Killing people on Mohammedan feast days or during the month of Ramadan is one of the strongest reasons for the expulsion of a *bone*.

This habit of exiling *bones* has been going on for so long that there are today numerous colonies of exiled Riffians living outside the Rif. Such are colonies of Beni Urriaghel in Oran and in Tangier; of Beni Amart in Ain Leuh, on the Wergha, of Beni Amart and Beni Hadifa at Armeila, on Wed Teheris; of Beni Tuzin at Zerhoun; of Temjunt of Gzennaya in Ain Mediuna (Beni Gzin); of Beni Yunes of Gzennaya at el Kob, in the Senhajan tribe of Beni Ulid; and the Ulad Abd el Mumen of Iherrushen of Gzennaya at el Mta outside of Fez. Most of these exiles could now go back if they so wished, but they have been away for so long, in many cases for generations, that they no longer have any desire to return.

Sometimes a murder spreads into a feud and from a feud into a war so rapidly that before a tribal council can come together to deliberate the councillors find themselves fighting on one side or another, in a tribal war.

Murder often leads to immediate revenge, and immediate revenge to a feud between *bones*. The feud may be a bitter one, in fact a pitched battle, in which may join other *bones* allied of old to one or other of the principal combatants. Most allies, however, are made anew on the occasion of each war. An alliance is called *liff*; it belongs more properly under the heading of magic than under that of political organization, but must be discussed at this point if the complexities of Riffian warfare are to be understood.

A *liff* is a shame-compulsion laid by one *bone* on another, a magical act which forces the second *bone* into alliance with, or at least toleration of, the other. By making *liff* with a number of other *bones*, a *bone* may increase its fighting force many times, and by both sides industriously making *liff* with others, a general war starts, in which there may not remain enough of the tribal council to make its convening worth while.

751 [443] Among the Ait Waryager, when an infant has become forty
852 days old, its crown is smeared with henna as a protection against fleas,
754 lice, and the evil eye, and this is frequently repeated until it grows older; and they apply the same colouring matter to the chests and feet of their greyhounds, which they are the more anxious to preserve from envious looks as they have not many of them.

754 [444] Written charms are also frequently used against the evil eye.
[492] Horses and mules have a small case of brass or copper containing passages of the Koran hung as a charm round their necks (Fez, Ait Waryager).

695 [506] There are persons who swear in a state of nakedness, and a reason for their doing so may be fear lest otherwise the self-imprecation should cling to their clothes. It is believed that the oath of a naked person who is innocent will affect the other party, who made him swear (Tangier, Ait Waryager, Aglu); and the supposition that the absence of clothes is looked upon as a precaution derives support from the fact that in the Hiaina the person who has sworn, and all the people who live with him in the same house, have their clothes washed on the day when the oath was taken so as to rid them of the bas which is sticking to them.

[513] Among the Ait Waryager a person who is accused of having stolen a thing the value of which does not exceed a dollar is acquitted if he alone swears to his innocence; but if the stolen object is of higher value, four respectable men chosen from among his kinsmen have to swear with him. The same number of conjurators is necessary in the case of homicide, but their oaths only effect a suspension of the blood-feud, which will sooner or later be waged against the suspected individual. Among the Ait Temsaman the conjurators, including the offender, must be twelve men both in the case of homicide and theft, and they are all chosen by the injured party.

[515] Among the Ait Waryager, when two persons are quarrelling, one of them may in his rage make a vow to kill somebody or to marry a certain girl or to do something else, saying, "May my religion be forbidden to me and the holy places of Mecca not be forbidden to the Jews, if I do not do this or that". This vow is looked upon as most
627 sacred since it implies a conditional curse on Islam. Among the
578 same tribe an avenger of blood sometimes makes the vow that he will
266 eat the liver or the tongue of his enemy; in such a case he goes to the

527 578 266 enemy's grave after he has killed him, cuts off a piece of his liver or tongue, and puts it into his own mouth, the vow being considered to be fulfilled through this act of symbolical cannibalism. Other vows in the Rif are to swear to kill an enemy and then to drink his blood, or to roast his liver and throw it to the dogs; but the person who has taken the former vow, on killing the enemy, only puts some of his blood into his own mouth and afterwards spits it out.

627 578 In many instances the promissory oath is a sworn vow either to refrain from an act or from acts of a certain kind until a certain design has been accomplished, or to do a thing in case a certain promise is not fulfilled or a certain wish is not complied with. In those parts of the country in which the blood-feud is rife it frequently happens that a relative of the murdered man makes a vow, silent or audible, to refrain from having his head shaved (Jbala, many Arabs of the plains, Ait Waryager, Ait Sadden, Shloh of the Great Atlas and Aglu), from washing or changing his clothes (Hiaina, Ait Sadden, Ait Waryager), from having matrimonial intercourse (Ulad Bu aziz, Andjra, Ait Waryager), from slaughtering an animal (Andjra, Ait Waryager), or from going to the market (Ait Waryager), until revenge has been taken. Among the Ait Waryager the women of the [516] family in such a case also refrain from wearing silver ornaments round the head or the neck and from painting themselves with henna, and boys and unmarried men, who otherwise make use of henna at the feast of the Mulud and at weddings, refrain from doing so if their father has taken a vow of this kind.

789 [518] Besides the conditional self-imprecation, or oath, there are other conditional curses, which are directed, not against the curser himself, but against somebody else. This is the case with the 'ar and, in many cases, the 'ahd.

The word 'ar literally means "shame", but in Morocco it is used to denote an act which intrinsically implies the transference of a conditional curse for the purpose of compelling somebody to grant a request. If a person says to another, Ha l-'ar alik, "Here is 'ar upon you", or Hada 'ar 'alike, "This is 'ar upon you", it implies that if the latter does not grant the request some misfortune will befall him on account of the conditional curse contained in the 'ar. A stronger expression is to represent the 'ar cast on a person as 'ar on God, the Prophet, or some saint with an implicit request to curse the person if he does not do what is asked of him.

789 [519] I have even heard the belief that it is dangerous for a person to induce another to grant a request by casting 'ar[1] on him, since in such a case the curse is likely to affect the petitioner and not the individual appealed to (Ait Waryager).

627 [522] A refugee places himself in the 'ar of a woman by touching
728 her or sucking her breast (Hiaina, Ait Nder, Aglu, Igliwa)—by which he becomes as it were her son—or by sitting down in front of her or going behind her or running into her house and taking hold of the handmill (Ait Waryager); her husband or family will then have to help him, and if the woman with whom he seeks refuge is the pursuer's own wife, the persecution must cease.

[532] Among the Rifians of the Ait Waryager, if a manslayer who is pursued by the relatives of his victim takes refuge in somebody's house and seizes hold of the handmill, he is in the 'ar of the mistress of the household, who is the owner of the handmill; then the pursuers must stop firing and the inhabitants of the house are obliged to protect him and to take him in safety back to his own house. On the other hand, a person who has to avenge the death of a relative may induce the owner of a house in which he takes refuge to assist him in taking revenge by offering him some money, which, if accepted, is looked upon as 'ar. If one of their villages has been beaten in a blood-feud with another village and desires to make peace, some of its men go at night to the enemy's village with a sheep or a goat, which they kill outside the yard of the mosque and then throw into the yard. When the dead [533] animal is found there in the morning by the people of the village, they understand from whom it has come and send the schoolmaster to the enemy, who now expresses a wish to put an end to the hostilities. Some men from a third village are called to act as peace-makers, and blood-money—some thirty or forty dollars—is paid for the manslaughter which was the cuase of the feud. It may be added that the animal which was sacrificed as 'ar is only eaten by scribes who are not natives of the village in which it was killed, no native partaking of its meat. So also the Rifians have recourse to 'ar to put a stop to a war between two different tribes. Some men of the vanquished tribe (daqbilt) go before sunrise to one of the enemy's market-places, taking with them a cow or a bullock, which they slaughter there as 'ar. They then retire to a desolate place in the neighbourhood and remain there till they are fetched by

1 [For definition of 'ar see previous page.- Analyst]

627 one of the enemy's men who was with them when the sacrifice was
728 made and therefore could explain its object to his tribesmen. Peace is concluded on condition that they pay a certain sum of money, perhaps one or two thousand dollars, to the victorious tribe; but neither in this nor in the case previously mentioned is the peace of long duration—in a few months or, at most, in a couple of years the hostilities commence afresh. The Rifians make peace when their food is scarce; when they have much corn they fight.

574 [537] The duty of hospitality is also closely connected with the belief in the 'ar and the compulsion it carries with it. A guest is in the 'ar of his host, in accordance with the principle, "He who is in your house is in your 'ar".

[538] Among the Braber of the Ait Yusi and Ait Sadden, if two or three unknown strangers arrive on horseback, an animal is killed for their entertainment; but the lonely wanderer is also treated as a guest (anbg i, plur. inbg aun), spending the night in the mosque if he has no acquaintance in the village. The same is the case among the Rifians of the Ait Waryager; some one of the villagers brings food to the stranger and eats with him in the mosque if the fqi is not there, as somebody must eat with the guest. If the stranger knows any person in the village he is taken to his house, unless he has gone there in the first place.

It is considered necessary that the host should do his best to please his guest. The latter is received with a friendly welcome, and in the case of distinguished guests the greetings may be most profuse. The host sets before his guest all the food which has been prepared, and he should do so at once. If, for example, four fowls have been killed, they should all be served up; for l-'ain t at akul, "the eye is eating" (Fez), that is, the guest is delighted to see much food before him even though he cannot eat it all.

842 [559] Among the Ait Waryager parents who have lost a child de-
765 posit its shirt at a shrine as 'ar in order that they shall be blessed with another child.

776 [561] Mosques may also be asylums for refugees, who are there in
696 the 'ar of God and Sidna Jebril, the master of mosques. Among the Ait Waryager, I was told, a person who has fled to the mosque of a village is considered to be in the 'ar of the villagers and is therefore sheltered by them, whereas one who has fled to the shrine of a saint will be unscrupulously killed.

613 a single dharfiqth may contribute to the formation of several jma'th-s.
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623 even in different tribes. And thus the jma'th of Aith Waryaghar is an agglomeration of dharfiqin without known relationship to each other.[63]

623 The iziddjifen have well-defined functions within the above
613 groups (e.g. jajgu and dharfiqth), such as the distribution of work,
[596] payment and benefits (barley to the fqih, rations to the poor, reception of guests, fines, irrigation turns, participation in communal property, etc.), and formation of the opinion which their delegate to the outside world has to express, as well as support for him in the viewpoints he is to maintain. The iziddjifen, as representative of the dharfiqin, are the primordial element in the "play" of the jma'th.

D) Position of Women:

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171 A Kabyle can do what he likes with his wife except make her a corpse, while a Rifian considers her as precious coin in the cancellation of blood debts, and a Berber from the Atlas Mountains regards her as a precious offering in his request for an alliance[64], when the insecurity of the social grouping made it mandatory to look for friends to reinforce it.

562 The sad (Blanco's term) condition of women is most clearly
627 revealed in reprisal and in the norms which regulate it, such as
628 their devaluation, pre-Islamic in character (sic), revealed through the exemption from the act of vengeance of a husband who kills his wife;...North Africa is an area where women can be killed, and the blood-price (Arabic diya, Rifian ddiyith) is half that for a man.....

684 As to adultery, in Kabylia and the Rif, the offending woman is killed,
171 while the Braber of the Middle Atlas and the Bedouins of Mauritania take care of the matter with a fine.

I recall hearing of young Rifian women "martyrized", roasted over a fire, whipped, enchained, hung from the main beams of their
562 houses, or with a pick stuck in their heads[65]. Women do not inherit
428 in Kabylia, nor even in the Rif, in practice; if they do, it is in
171 lesser proportion, and only in movable property. Among the Aith Ndhir of the Middle Atlas, on the other hand, a woman and her daughters can be inherited, and even Muslim law has not done much (1935) to modify this fact in that tribe.

562 Women are divorced whenever their husbands want to divorce
586 them, and they are even put in the position of being neither single
582 nor married, i.e. a general or conditional prohibition of marriage.
[171] A woman's husband must give her authorization to marry again, even though he is separated from her; this happens often in Kabylia and
562 is not rare in the Rif. Custom gives women the right of <u>insurrection</u>
586 (Blanco's italics) or refuge in their fathers' homes or in a <u>zawiya</u>
208 (residence of a virtuous or holy personage, and invariably associated
623 with a saint's tomb); and it gives their husbands the right to complain
[171] to the <u>jma'th</u>, a right which women cannot exercise themselves in Kabylia and which they can in the Rif and among the Berbers of the Middle and Central Atlases, although, however, they must make such complaints at a respectful distance from the council meeting or rather
629 through crying them out. This is always preferable to registration
171 of complaints through a Kabyle intermediary or a Muslin <u>ukil</u> (legal
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627 representative), while among the Shluh Berbers of the Western Atlas
171 and among the Rgaybat Bedouins of the Western Sahara, women can be
562 their own ukilat (fem. pl. of ukil), although they cannot represent
other women, as I once saw in Ibuqquyen (West-Central Rif)[66]...Rifian
562 women may visit their families whenever they want to, and, in general,
[574] if Berber women are not given the same treatment and value as men
are, they do, nonetheless, have certain advantages which derive from
[443] their status as minors.....In the Rif, women's markets are an example
of this: they are meeting places completely free from men, where
transactions take place, where brides are looked for, where amulets
are bought and where news of the day is heard and spread. But a
[576] woman in the Rif, if she passes a man on a path, must always give him
the right of way: she greets him first, lets him have the right of
855 way, and continues on the lower part of the path....Rifian women love
their children.

E) Property (fragmentary notes):

432 In the buying and selling of individual property, the jma'th
[623] (used here in the sense of council) did not intervene; the only parties
concerned were the buyer, the seller, two 'udul (notaries public) and
the qadi, the latter three individuals having to draw up and sign
the necessary document. Even in the case of jma'th property[67], the
jma'th did not intervene; once again, the 'udul drew up the documents
427 in question....In the event of renting land, in which a document is
623 not needed, the petition is handed to the village mqaddim (headman)
426 who convokes the jma'th and agrees to the conditions. The same applies
686 in case of mortgages....In case the petitioner does not fulfill his
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623

426 part of the bargain, he is reminded to do so by the chief, and if he
686 refuses, they forcibly commit a theft of animals or property, so
627 that his jma'th will hear of it; and they thus oblige him to fulfill
623 his promises or give rise to the intervention of his jma'th, which will force him to start negotiations.

685 The property of thieves is sold as indemnity, and, if they
627 have gone or if this cannot be done, that of their kinsmen is sold, a fine is imposed, and the eyes of the recalcitrant individual are plucked out by a member of his family if he is caught[68].

623 None of the decisions of the jma'th are registered.

F) Social Organization:

1) The jma'th has generally been defined in terms of what it is not. It has been likened to the Roman forum, the Greek agora, and the Scottish clan[69]; and it has been considered the "cornerstone" or the "roof" of the "Berber house". It has been characterized as an administrative unit by some, and as a social, judicial (i.e. jural), religious or military unit by others. Some have taken the number of houses as a base point, others the fact of whether or not it contains a Friday ("cantonal") mosque. The etymology of the word--"assembly, meeting, council, junta"--has also been invoked as a basis for definition, but this, by itself, is also insufficient[70].

623 In my view, the jma'th is the elemental form of the association
621 of neighboring family groups oriented toward essentially economic ends.
[613] The actual number of such groups, whether two today or two hundred tomorrow, and whether occupying thirty or two hundred households, is

arranged in spatial terms. The correspondence between a territorial system and a lineage system is always approximate, and sometimes, even, very close indeed, but it is, for a variety of reasons, never quite complete.

16--"Group" is hardly the right word to give to an institution or a socio-cultural category; but one can see that it was well intended and that Blanco was groping in the right direction. In most instances in which his choice of terms is obviously wrong, we have tried to rectify this by the substitution of other words which seem more nearly to fit the context.

17--Imrabdhen, sing. amrabidh (from Arabic murabit) are saints, living or dead, who, in the mind of the average Rifian, are often confused with shurfa, or descendants of the Prophet. The role of imrabdhen or shurfa as moderators in intra- or inter-tribal disputes is, indeed, perhaps the primary one which they (or some of them, for there are many who are functionally completely indistinguishable from ordinary tribesmen) play in Rifian society.

18--The role of Jews in the Rif is indeed a primarily economic one--they are jewelers and pack-saddle makers, and their social status is (or was, as there are none left there today) the humblest in the area, for they never carried arms and were always under the protection of a clan or lineage headman who, if necessary, would defend them to the death. In short, they were and are despised, but their services were needed. But why Blanco mentions them, an ethnic group, in the same breath with a series of economic institutions is a bit difficult to fathom.

19--As noted, the Rif formed an integral part of the blad as-siba, and Blanco's conceptualization of Rifian society as representing an "organized anarchy" may easily, in the traditionalist frame of reference, be extended to cover the whole notion of siba. In another publication we have already set forth our views on the usual French definition of this term, which goes back to Montagne, of siba as "anarchy", a notion which seems to us, in the last analysis, invalid, implying as it does a complete lack of government (cf. David M. Hart, "Emilio Blanco Izaga and the Berbers of the Central Rif", Tamuda, VI, 2, 1958, pp. 171-237). More recently, however (and a point which we overlooked in the abovementioned article), there has been a certain modification by at least one French scholar of this traditionally accepted viewpoint--cf. André Adam, La Maison et le Village dans Quelques Tribus de l'Anti-Atlas, Collection Hesperis, vol. XIII, Paris: Larose, 1951, p. 30, and personal communication, 1959. This modification, in effect, concedes that anarchy within Berber society is an inapplicable term, but that it is still valid if the society is viewed from without, or from above, because the highest organizational or structural stage which Berbers have attained is that of the tribe only, never that of the nation-state. And if we read between the lines of Blanco's words, this, or something akin to it, is very probably what he had in mind when writing of "organized anarchy".

671 If aside from local community questions such as irrigation, hospitality and matters dealing with education, these community charters also deal with "crimes of blood" (delitos de sangre), one may see in them, more than the incumbency of these units (organisms), the necessity of providing for the lack of other upper-level associations which were lacking in this organized anarchy, which, in a happy phrase, may be attributed to those days when social disintegration attenuated the functioning of the upper-level units: clan (fracción) and tribe.

621 623 627 10) Security: Internally, security was guaranteed in normal times by the iziddjifen themselves, through the resolution of any incidents and the clearing up of any disputes which might arise, while in the internal political struggle of its council the popular spirit predominated. This was even more the case when within the council the 623 613 621 equilibrium between dharfiqin or agnatic lineages was broken and one lineage came to predominate, as now it was one of its representatives who, in the last analysis, came to achieve the delegation of the permanent executive function of security, under the pompous and strange designation of mqaddim or shaikh[7], who, satisfying his own personal vanity, brought about the envy of the iziddjifen, who were very jealous of their own prerogatives, who were paid in their jobs (sic)[8], and who were opposed to the notion of personal power for which the [671] struggle now began. In this respect the qanun of the jma'th of (Lower) Thamasind (Aith Waryaghar) is of interest.[9]

7--Again Blanco reveals an anti-Arab and a pro-Rifian bias, perhaps: he would obviously have preferred the designation amghar. However, and more to the point: he is also equally aware of the superfluity of such titles in a society as fiercely egalitarian as that of the Rifian tribes.

8--This was hardly the case: no tribal leaders (to say nothing of mere [114] lineage headmen) in pre-Protectorate Morocco were ever paid in the formal sense of the word. Remuneration came through occasional "perks".

9--Cf. La Ley Rifeña, 1939, Chapter V.

It may also be seen that here there appear no Arabic names of tribal functionaries, such as qa'id, qadi or mqaddim.

The notaries who sign the documents limit themselves, then, to the registry of acts passed by the lay committee or customary tribunal.[27]

This procedure clarifies the executive procedure in notes 5, 6, 7 and 8.

The notables and a coterie of friends, family or volunteers, or, simply, hungry men, fall like locusts upon the households of the lineage-mates (agnates) of the accused, and they do not budge until the matter is settled; either this, or they throw them out of doors.[28] Documents and lands, proofs and possessions; the accused's agnates must hand over all of these, as well as their very houses. They have violated the pact and the pledged word. They can only save their own persons, and this with difficulty, thanks to the force of vengeance, bloodfeud and reprisal, to the raqba[29], which may be taken by any member of the victim's family (i.e. any of the victim's agnates).

It is a rapid procedure, but not because the law or its executive organs are rapid, for, as among Europeans, as it is their own flesh which suffers, they are in no great hurry. In the Rif, the man who most strongly urges liquidation of these affairs is the one responsible for the crime, and his agnates. However, much beforehand accounts may be adjusted, the matter is over before they will see themselves free of the locusts in their quarters and before they will be able to save bread. After a few days, which are hard to stretch out, the provisions, already considerably reduced, will begin to get

627 very scarce and will soon give out altogether.

627 614 This period is that of smoothing over. Those responsible hide their possessions, assure (the imgharen) that they have nothing, only a goat and a cow and a tiny plot of land: this is all they can offer, along with their house. The rest had been mortgaged[30], etc. The imgharen, sure in their convictions, do not agree....The members of the victim's family deny having any more possessions.

The neighbors of those responsible for the crime who are also obliged to put up lodgers become impatient and denounce possible concealments. The imgharen continue without deciding, and then their buying begins. Finally a moment arrives in which they hear no more offers or denunciations of those responsible for the crime. All, including the coterie, grumble, become tired and begin to desert, finally going back 627 to their homes. The notables, satiated and fed up, see that this is 614 the time to stop in the struggle and investigations, because of what 613 they hurried to auction when it was taken over, the gross value of which they distribute equally among the lineages concerned in the [594] agreement, except for that of the man who violated it. This distribution, which the representatives of the lineages present parcel out among their lineage-mates, must in turn be parcelled out by the latter among the nuclear families, and by these among the members of each [262] family. And thus, one fine day, the imgharen and their numerous coterie, nourished with barley, bread, butter and hard-boiled eggs, abandon those places which they have left as clean as the palms of their hands; for Rifian notions of justice are now satisfied and the lineage responsible for the crime remains in misery.

623 Thus public
182 esteem and the ideas which such deeds provoke in others are regained;
673 they satisfy the mass of the people without having to resort to cru-
687 elty, for.....in a truly humane feeling, note c in the text shows that
695 the author of the crime must have been caught in flagrante delicto.
627 Discounting possible vengeance and not very sure of having succeeded in
623 doing so, note e in the text shows the institution of a popular tri-
554 bunal formed by two neutral individuals, two men who neither take part
671 in the agreement nor are members of the jma'th, but the fact that they
have prestige in it is a maximum guarantee of the workability of the
qanun in question.

623 Furthermore, the jma'th as a social unit is personified not in
621 its mqaddim, in the Arab manner, but, hostile to personal power, in a
triumvirate formed by three of the legislators who took part in the
meeting and who remain obligated to watch over the fulfillment of the
agreement. This executive organ of power is made up of laymen, and it
as much as the aforementioned tribunal is the result of popular election.

671 In the few lines which this qanun has, aside from creating a
624 a code, a tribunal and a police force, all of which are, naturally,
182 gratuitous, it creates a rural exchequer, and all this with a good,
natural and admirable feeling.

182
671 It restricts, through fear of fines, damages to the small social
626 unit it represents by guaranteeing the safety of property and discard-
681 ing cravings for economic expansion at the expense of member lineages.[35]
613

671 It creates lineage authorities whose jobs are gratuitous, and,
613 always suspicious, it avoids concentration of power in the hands of one
661 person, a fact which permits neither a shade of tyranny by the latter
182 nor a bastardization of his office.

000 671 182 628 681 nor a bastardization of his office. It creates guarantees for the accused, protecting him from bloodfeuds; it indemnifies the social unit, the subclan of Imhauren, from injuries caused by some of its members, so that when the fine is donated to the habus of the village mosque, through the particular conceptualization and application of these funds in the Rif, a part of the money always came back to the jma'th in kind; and the eagerness for a reward, as among participating European functionaries, who multiply the fines by increasing their investigations and denunciations in proportion to their needs, was discarded.

671 681 627 It has--and why not?--among its other defects one which is certainly a simple defect in editing, although the frequency with which it is repeated makes this doubtful in several cases. The intention (author's italics) (Blanco: note f, in text) is punished, but how can it be proven? According only to the prudent arbitration of the popular tribunal formed by the two aforementioned individuals. A bad business.

671 621 623 614 182 Curious and noteworthy is the palpable demonstration of this municipal letter, of this qanun of a jma'th, which is careful not to overstep the bounds of adjacent institutions, such as those of personal status law (inheritance, etc.) or of those handled by the immediately superior social unit, the clan, with its qanun approved and drawn up in the markets (murders and woundings, etc.), a fact which reveals the interrelationship and interdependence of the different social units, and even their institutions and how they function.

671 627 182 This qanun is limited, logically, to neighborhood questions, among which there figures in first place that of public security (espionage)[36] and secondly that of property.

312 The
562 jma'ths agree on the amount of the fines to be imposed for infractions
[623] of these rules, especially those having to do with the freedom of
[681] women, forbidding the men either to come near them or to remain in those paths which lead to their washing or bathing sites. Ordinarily, in this case, a turn is set up for a boy to act as guard, at a prudent distance from the site, if the latter by its topographical situation or by its distance from the village renders such a move necessary.

D) Irrigation in General:

312 The utilization of water in the Central Rif, particularly
695 among the Aith Waryaghar, is the object, in both general and particular cases, of agreements between the users; these agreements are made at the beginning of the summer for those water points which have a small or intermittent flow and which are of short duration. These agree-
[212] ments are also usually unwritten, and they deal with the following points: 1) dams, 2) network of irrigation ditches, 3) repairs to ditches, 4) turns (nubth, pl. nubath) of those who irrigate, and 5) infractions and sanctions.

[466] The labor as well as the necessary repairs are done by compulsory personal service (twiza)[119] and proportional contributions
[333] on the part of the irrigators. Any ditches which need special work done on them, such as bridges or retaining dams, are previously agreed upon to be done by contract with master-masons, with the cost of the materials included.

312 Infractions are usually reduced to: 1) appropriation by anyone
689 of a turn or turns of water outside or exceeding his own, and 2)
241 differences and disputes which during the "Republik" were settled
242
627

312 689 [24] [242] [627] amicably by irrigation specialists (aquwwam, pl. iquwwamen). In the latter instance, these specialists estimated the amount of damage done, and the individual who caused it had to pay for it.[120] The only penalty, most of the time, was indemnity of such damage, through, above all, small reparation projects. In case a man was also punished by fining, the fines were converted into improvements in the irrigation ditches. The irrigators did not make up special communities with their own jurisdiction or functionaries dedicated to the inspection and fulfillment of the agreements, because this rudimentary society was not fond of bureaucrats(!).....

312 621 624

The difficulty with these irrigation agreements rested primarily, more than on the distribution of the flow of water, on rather the outline of the ditch, for which it was necessary to acquire previously the consent of each one of the property owners on whose plots of land it ran over; these individuals did not ordinarily give in unless they themselves were given an irrigation turn; and, in addition, they made it clear that the ditch was not to cross their land but to follow the boundaries around it.

312 675 423

Irrigation turns, in the instances dealt with here, are simple, and correspond to the same notion which will later be discussed for the bigger water-courses, and which is based upon the principle of equitable distribution, with the utilization of natural means to calculate the time. This is reduced, once the number of turns is known, to fixing the duration of these and the order in which they occur. This customarily takes place at the point of origin of the ditch or dam; once assembled, the irrigators draw lots, by which each one of them puts down a straw while another, with his back turned,

312 571 [805]

312 571 [613] [596] in the following turn it will take it up at night, and with another order among the irrigators in which the first in one turn will be the last in the next. These two classes of turns, this order of irrigation, is usually set up for the whole duration; when it is begun, the irrigators draw lots with small sticks or twigs, and, at other times, it is set up differently every day. The transfer of

312 571 425 [432] [805] [435] turns is free, as is the decision of the person to be favored. Turns of water are the object of buying and selling, and are independent of land. A 12-hour turn every week (eight days) comes to some 500 or 600 duros (1939).[124]

312 [821] The hour to begin irrigating is that of the rising or setting of the sun, according to whether the turn itself is diurnal or nocturnal. The repairs depend on their importance and where they are made, the users of the branch in question contributing to these, downstream. The outlets or cuts of water are the responsibility of

312 571 805 the individual who is irrigating at the time. The duration of turns was regulated by means of natural hours, those of the prayers, and by measurements of the shade and the angle of the same with some object, in other words, a true sun dial.

312 627 628 671 Differences were resolved, as noted, by means of arbitration, valuation or assessment, or indemnification, apart from governmental intervention if this is deemed necessary, as some qanuns express.

312 184 The variations in the treatment of ditches require the conformity of all the ditch-users to be expressed by themselves or their representatives personally, in a meeting convoked to this effect on the sites which are to be the objects of modification, in the system or traditions of irrigation.

671 and, second, diligence, both of which are qualities also needed by
224 judges of The Law[189], who, in order to manipulate their terrible
692 weapon, the pen, need attitudes of repose, and sheltered places where they can keep their books and papers and even hide their faces.

224 Incidents which arise during hunts are examined most often
578 by passing them to the mulu' of the same hunting party. He settles
627 them on the spot, giving his judgment on the matter, and in the
614 event that the question must go up in front of the imgharen, the latter limited themselves to doing their duty and to putting into effect the opinion of the mulu', a natural arbiter.

224 Thus it had to be; and if, for example, there was a hunting
578 incident in the snow, the best possible proof of which was individual
627 tracks or footprints, this required, on the part of the judge, dili-
695 [132] gence in copying or studying before it was rubbed out.

224 The usual sanction, all over the Rif, for hunting incidents
681 is a fine of 25 pesetas.[190]

[128] For the examination of different cases which tend to come up often, we have grouped them in the following categories, which facilitate consultation even though they are somewhat arbitrary.

F) Game:

223 1) A bird knocked down in flight within the range of vision
671 of the hunters belongs to whoever hits it, until, having hit the ground, it flies up again, in which case, and if it is not wounded again, it belongs to whoever catches it.

223 2) If a bird or animal is hit simultaneously by several hunters,
224 it belongs to whoever catches it; and if several people should catch it
671 at once, it is divided among them (Aith 'Ammarth).

000 223 224 629 578 671 [191] at once, it is divided among them (Aith 'Ammarth). In the Sanhaja Srir, the mulu' sometimes resolves the question of ownership by hefting the sticks of those who are disputing and giving it to the man whose stick weighs most.

3) Animals or birds disputed about without sufficient proof of ownership are taken away from both parties and handed over to the mulu' (Ibuqquyen).

671 223 224 411 4) An animal or bird hit both by a shot and by a stick belongs to the man with the stick if it falls less than twenty steps from where the latter threw, and to the man with the gun if the distance is over twenty steps (Aith 'Ammarth).

671 223 5) A bird hit by a shot and caught by another hunter in whose vicinity it falls belongs, if it falls down dead, to the man who fired the shot, and to the other man if it is only wounded and if he pursues it and finishes it off. If there are no witnesses, whoever gets it must say if it fell down alive or not, and an oath to this effect can be demanded of him (Sanhaja Srir). [572] [695]

671 223 224 6) Any bird or animal which has fallen outside the range of vision of a hunter belongs to whoever finds it if he is going hunting also; and if he is not, it belongs to whoever wounded it (in the same way that in the method of acquiring property by vivification, this case shows a recompense for physical effort, denying rights of recovery to a goatherd or a traveler whom luck might favor instead of the hunter)

7) A bird or animal sitting in a thicket or in its den belongs to whoever discovers it; and the latter must make his discovery known by raising his stick and crying out "l-'adaw", these both being signs of recovery (Ibuqquyen and Aith Waryaghar). [201]

224 671 aid was rendered with firearms, to pay a cartridge, and if rendered with a ferret, to surrender half of the animal taken, for the maintenance of ferrets, based on milk, eggs and bread with olive oil, is costly. The same holds true if he is lent a net; he must pay half of the animals he catches (Aith 'Ammarth).

671 224 689 Anyone who, if help is required of him, denies it and deliberately frightens the game away with shouts and gestures, in order to hunt it later on his own, is obliged to pay a fine of 25 pesetas for his selfishness.[192]

671 224 I) Snow:

The tracks of animals (largely hares and rabbits) and the footprints of hunters give rise to the following cases:

1) The animals are for whoever discovers them and follows their tracks from the point where these begin or further; this is thus a recognition of the greatest effort (Aith 'Ammarth).

2) This right may be yielded by the pursuer, for reasons of weariness, etc., to anyone whom he meets on the way; and in case he abandons the search, he loses his rights (Aith 'Ammarth).

671 224 423 3) After the den of an animal is discovered, the hunter makes a circle in the snow around it. This circle is a sign of priority rights to the animal within it, and it permits the hunter to follow new tracks even though he may not kill the animal within the burrow.

671 224 423 627 In case another man takes the animal from its den, the claim is examined in front of the mulu' by the first hunter taking oath to having made the circle in order to locate the animal first.

[681] If through lack of other proof and if afterward it comes to

671 224 423 627 681 be known that one of the parties involved obliged the other one to swear, even knowing that the latter was right, the first party is fined 25 pesetas over and above the value of the animal (Aith Waryaghar).[193]

671 224 4) Animals found on someone's plot of land belong to the man who catches them and not to the owner of the land (Aith 'Ammarth).[194]

J) Nets and Snares:

223 After threshing has been completed in the late summer, threshing floors somewhat distant from the villages are used in order to hunt partridges with nets.[195] The threshing floor is prepared for this purpose, with straw and grains wasted as fodder. It is then surrounded with a semi-circular fence, a sign that it is prepared for birds.

671 223 (685) On a threshing floor, the preferential right to any game caught is that of the owner of the floor. In a floor marked out as indicated above, only the indiviual who prepared it may hunt. Any other person who tries to do so is considered a thief, and the fine he must pay is calculated on the basis of the number of partridges in the net. This right is based upon the patient preparation and expense of fodder, as bait.

223 224 After the den of a rabbit or hare or the nest of a partridge has been discovered, the hunters sprinkle the path to it with the grain residues of threshing in order to gain the animal's confidence; and when they consider it gained, they put the trap hidden between the earth and the remains of the threshed straw.

1: Coon E-5 (no date) 1951 M1 Middle East
Rif MX 3

623 minor points of difference, the men let them arbitrate and set fines
867 of a few eggs or loaves of bread, for their own consumption. Having thus learned the routine of sitting in judgment and also some of the oral qanūns, the boys are ready for the serious business ahead.

623 Once a week, when the nearest market meets, the older men of
627 the neighboring villages, corresponding to the "brains" of the Kabyles, meet in a house just off the grounds, or in good weather, under a tree. Over glasses of tea they settle any disputes which may
628 come up in the market or which litigants may bring them. When
619 more serious matters arise, such as the trouble between the Ulad 'Abd el-Mumin and the Beni Tadmut, the councilors of a single geographical unit, consisting of several clans, come together. They must be fed, and it is in the interest of the feuding parties to make a speedy settlement, with fines and blood money. Fines go to the councilors, who eat part and divide the rest. Blood money goes to the kin of the wounded or dead. If these councilors cannot settle the problem, the "fifth" is invoked—the whole series of little valleys and watershed cantons which forms the next largest political unit. Some tribes have only one "fifth," but Gzennaya and Beni Urriaghel each have five. If the "fifth" cannot settle the dispute, and the bloodshed spreads, then all the fifths join in. If the whole tribe is embroiled, the councilors of another tribe may invade and catch them unawares, to their great loss. The longer the fight remains unsettled the greater the number of participants, each new and larger body trying to capitalize on the confusion of the partisans.

It can be readily seen that few troubles reach intertribal proportions. This device of government in depth works. Feuding keeps the population down, and the fear of interference keeps the feud isolated and within bounds. Chronic troublemakers, and those who break the rules, must go. On the other hand when some outside force threatens more than a small portion of the Rif, the mechanism is at hand for all to unite, forcefully if ephemerally. The elders of one clan perform a compulsion of shame on another, thus forcing them into alliance, called *lif*, as elsewhere. As the danger grows, so
643 does the lif. In this manner 'Abd el-Krīm (who had been educated by
721 the Spaniards) set up a government of the whole Rif, which defeated Spain in two great battles in 1921 and 1924, and but for the use of aircraft and tanks by his enemy, might have held the French army indefinitely at bay. No sultan had ever been able to conquer this classic corner of the Land of Insolence, which is all the more remark-